

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 10, 1999

DIVISION ONE

B118529 Fernandez et al.
v.
Northern Automotive Corp.

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B124641 People (Not for Publication)
v.
Gipson

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B124035 Tracey et al. (Not for Publication)
v.
Bicycle Club Casino

The judgment is affirmed.

Nott, Acting P.J.

We concur: Zebrowski, J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B126293 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Monica D.

The order appealed from is affirmed.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

B123859 People (Not for Publication)
v.
Mateem

The Court:

The judgment is modified to provide that a \$200 fine is imposed pursuant to Penal Code section 1202.45 and that the fine is suspended unless and until appellant's parole is revoked. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Nott, J., Zebrowski, J.

B117250 Gonzalez et al. (Not for Publication)
v.
Mission Foods Corporation et al.

Plaintiffs' appeal is dismissed. Defendant's cross-appeal is dismissed. The three discovery sanctions orders against plaintiffs and their counsel are reversed, and defendant is ordered to return all funds recovered as enforcement of the sanctions. The parties are to bear their own costs of appeal.

Nott, Acting P.J.

We concur: Zebrowski, J.
 Mallano, J. (Assigned)

August 10, 1999-Continued

DIVISION TWO (Continued)

[illegible]

The Court:

The finding that appellant falsely identified herself to a police officer while lawfully detained or arrested is reversed, and the superior court is ordered to dismiss the allegations of count 1 of the petition filed on July 15, 1998. The order that appellant be placed in a camp-community placement program is modified to provide that the maximum period of physical confinement is seven years and four months. The orders under review are otherwise affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B124848 People v. Rodriguez
B115750 People v. Juarez
B120985 People v. Olmedo
B123820 People v. Collins
B125164 People v. Soil
B128419 Children and Family Services v. Eva B.
B128038 Langley v. Lady Jane's Bar
B126735 People v. Felipe G.
B125683 People v. Frank C.
B125308 People v. Jaure
B124906 People v. Ramzy

Argument waived, cause submitted.

DIVISION THREE (Continued)

B121512 People
 v.
 Mendoza et al.

Merits:
Appearance by Jeralyn Keller and Gregory L. Cannon for appellants and by Jim Hart, deputy attorney general, for respondent. Argument waived, cause submitted.

B123139 People
 v.
 Montoya

Merits:
Argued by William Balin for appellant and by Thien Huong Tran, deputy attorney general, for respondent. Cause submitted.

B120860 Harris
 v.
 Vistar Inc., et al.

Merits:
Argued by Judith Williams for appellant and by Jeremy J.F. Gray and Paul M. Krekorian for respondents. Cause submitted.

B120385 Gordon
B122374 v.
 20th Century Insurance Company

Merits:
Argued by Lisa S. Kantor for appellant and by Holly R. Paul for respondent. Cause submitted.

DIVISION THREE (Continued)

B126887 Hawkins
 v.
 ITT Educational Services, Inc., et al.

Merits:
Argued by Gary W. Majors for appellant and by Gail E. Lees, Philip L. Bosl and A. Victor Antola for respondents. Cause submitted.

B125435 People
 v.
 David C.

Merits:
Argued by Moira J. Curry, deputy attorney general, for appellant and by Allen G. Weinberg for respondent. Cause submitted.

B115432 Sullivan
 v.
 Winnikoff

Merits:
Argued by Michael O'Keefe for appellant and by Steven J. Renick and Marc Shapiro for respondents. Cause submitted.

B106687 People v. Swanson
B131907 In re Rodney B. Swanson on H.C.

Merits:
Argued by Gail Harper for appellant and by Paul C. Ament, deputy attorney general, for respondent. Cause submitted.

The Court recessed at 12:35 P.M.

DIVISION THREE (Continued)

The Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B122922 Thomas
 v.
 Smith & Sons Enterprises

Merits:
Appearances by Felicia Mobley for appellant and by William L. Cummings for respondent. Matter ordered off calendar.

B118001 Ryan
 v.
 Ryan

Merits:
Argued by Paul H. Nankivell for appellant and by Gregory J. Khougaz for respondent. Cause submitted.

B123127 McFadden
 v.
 State Personnel Board et al.

Merits:
Argued by Mary McFadden, appellant in propria persona and by Thomas W. Vallance for respondent. Cause submitted.

The Court adjourned at 3:05 P.M.

DIVISION FOUR

[illegible]

For the foregoing reasons, we modify the judgment to vacate the five-year enhancement imposed and stayed on count 2 and to impose and suspend a fine in the sum of \$500 pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment which reflects these modifications and the fine imposed pursuant to Penal Code section 1202.4.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B123544 People (Not for Publication)
v.
Munoz

For the foregoing reasons, the judgment is modified to impose and suspend a fine in the sum of \$1,000 pursuant to Penal Code section 1202.45. As modified the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accord with this modification.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B123050 People v. Joseph (Not for Publication)

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

August 10, 1999-Continued

DIVISION FOUR (Continued)

B124532 Gleason (Not for Publication)
v.
State Board of Equalization

The order of dismissal is affirmed, and costs on appeal are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J. (Assigned)

DIVISION FIVE

B121450 Lawrence M. Shelton
v.
Cooperative of American Physicians, Inc.

Filed order deeming cause submitted as of August 9, 1999.

B118278 Madeleine Stevens et al. (Not for Publication)
v.
Lawrence Heller et al.

The judgment is reversed. Plaintiffs are to recover their costs on appeal from defendants, Lawrence Heller, Mark L. Edwards, the law firm of Heller & Edwards, and the law firm of Turner, Gerstenfeld, Wilk, Tigerman, Heller & Young.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B119114 Gilbert Dreyfuss et al. (Certified for Publication)
v.
Union Bank of California

The judgment is affirmed. Defendant Bank of California is to recover its costs on appeal from plaintiffs, Gilbert Dreyfuss, Evelyn Dreyfuss, and LCF Income Group.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B126934 National Council Against (Not for Publication)
Health Fraud, Inc.
v.
Aroma Vera, Inc., et al.

The judgment is reversed. The trial court is directed to vacate its order granting the motion for summary judgment and enter a new order denying the motion. Aroma Vera is to pay NCAHF's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B122332 People (Not for Publication)
v.
Vladimir Soroka

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

August 10, 1999-Continued

DIVISION FIVE (Continued)

B127256 People (Not for Publication)
v.
Stanton Rose

The judgment is modified to reflect a \$200 parole revocation restitution fine pursuant to section 1202.45 to be suspended unless defendant's parole is revoked. In all other respects, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B131762 Samantha R. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S, r.p.i.)

The petition for extraordinary relief is denied on the merits.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B122160 Amelia Monarrez (Not for Publication)
v.
Haralambos Beverage Co., et al.

The judgment is affirmed. Respondent to recover her costs on appeal.

Godoy Perez, J.

I concur: Armstrong, J.
I dissent: Turner, P.J. (Opinion)

August 10, 1999-Continued

DIVISION FIVE (Continued)

B120250 Virgil Cuculici (Not for Publication)
 v.
 Florica Cuculici

The judgment is affirmed. Husband is to pay wife's costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B121762 People
 v.
 Duane Cotton

Filed order denying petition for rehearing.

DIVISION SIX

B120893 People (Not for Publication)
 v.
 Swanson et al.

The judgments are reversed.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B125876 Landress & Associates, Inc., et al. (Not for Publication)
 v.
 Hicklin

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.